

REMARKS

In view of the following remarks, reconsideration and allowance of the present application are respectfully requested.

Currently, claims 46-70 are pending in the present application, including independent claims 46, 57 and 70. In general, the present invention is directed to a finger glove that can fit onto a finger or fingers for cleaning adjacent surfaces, such as the teeth or gums of a user. For instance, independent claim 57 is directed to a cleaning device comprising a first hollow member having an open end for the insertion of a first finger, a second hollow member having an open end for the insertion of a second finger, and a connecting portion for connecting the first hollow member to the second hollow member.

In the Office Action, claims 46-56 were indicated as being allowable. The remaining claims, claims 57-70,¹ were rejected as being obvious under 35 U.S.C. § 103(a) in view of various prior art references including Carr, McCarver, et al., Ness, Rescigno, Porcelli, Meunier, and Bori. The references were combined in numerous combinations. However, all combinations included McCarver, et al. as one of the references. Specifically, McCarver, et al. was cited as a secondary reference combined with one of the primary references of Carr, Ness, or Rescigno.

McCarver, et al. is directed to a surgical stockinette for covering and encasing a body extremity such as an arm or leg to isolate and protect the extremity during surgery. See, Abstract. The overall structure is liquid impervious. Col. 3, ll. 66-67. As noted in the Office Action, the stockinette may have an interior surface made from a fibrous nonwoven web, an outer surface made from a liquid impervious film, and a middle elastic layer bonded to both the inner layer and the outer layer. Col. 2, ll. 24-35. In rejecting independent claim 57 and dependent claims 58-69, McCarver, et al. is cited in the Office Action for disclosing a hollow member comprising an elastic nonwoven comprising an elastic component and a non-elastic component, which is not disclosed by any primary reference, as admitted in the Office Action.

¹ Applicants also point out that the Office Action fails to indicate the reasons for the rejection of claim 68; however, for the purposes of this response, Applicants treat claim 68 as rejected under the same reasoning as claim 57 from which it depends.

Applicants respectfully submit that there is no motivation to modify the primary references by combining them with the teachings of McCarver, et al. Obviousness may only be established by modifying the teachings of the prior art to produce the claimed invention if there is some teaching, suggestion, or motivation to do so found either in the reference itself or in the knowledge generally available to one of ordinary skill in the art.

It would not be obvious to one skilled in the art to look to the disclosure of McCarver, et al. to modify either Carr, Ness, and/or Rescigno. Applicant emphasizes that the teachings of the references must be viewed in their entirety, i.e., as a whole, to sustain a prima facie case of obviousness under 35 U.S.C. §103(a). Further, the appropriate test under 35 U.S.C. §103(a) is not whether the differences between the prior art and the claims are obvious, but instead whether the claimed invention as a whole would have been obvious.

Applicants respectfully submit that one of ordinary skill in the art, upon reading any one of Carr, Ness, and/or Rescigno, would not be motivated to combine the teachings of McCarver, et al. All three of the primary references are directed to tooth and/or tongue cleaning devices. On the other hand, McCarver, et al. is directed to a surgical stockinette. Applicants respectfully submit that one of ordinary skill in the art, desiring to modify any of the devices disclosed in the 3 primary references, would not look to the disclosure of McCarver, et al. because it is not directed toward tooth and/or tongue cleaning devices. There is no teaching, motivation, or suggestion in any of the three primary references that would lead one of ordinary skill in the art to look in the field of surgical stockinettes.

Even if one of ordinary skill in the art were to look to McCarver, et al., Applicants respectfully submit that the presently claimed invention would still not be obvious. The stockinette disclosed in McCarver, et al. does not disclose a textured surface. Applicants submit that there is no motivation to modify any of the primary references in view of McCarver, et al. to include any type of textured surface on the stockinette of McCarver, et al., nor is there any motivation to modify McCarver, et al. to include bristles on the surface of the stockinette. Thus, Applicants respectfully submit that there exists no motivation, suggestion, or incentive to combine McCarver, et al. and any other reference.

For instance, there is no motivation to combine McCarver, et al. to Carr. Carr is directed to a finger brush device including bristles located on the tip portion having a closed end. Col. 4, ll. 9-13. When the tip portion is placed onto the fingertip of an individual, a sheath portion is unrolled onto the finger of the individual who will be using the finger mounted brush device. Col. 4, ll. 14-18. Applicants submit that there is no motivation to combine the finger brush including bristles with the smooth surface disclosed in McCarver, et al. and that there is no disclosure of how that modification would be accomplished.

Furthermore, in Carr, the finger and hand mounted brush is made of an elastic, plastic material. Col. 6, ll. 10-12. Thus, there is no motivation to seek a different elastic non-woven comprising an elastic component and a non-elastic component. As such, there is no motivation in either Carr or McCarver, et al. to combine the two references as suggested by the Office Action elasticity in Carr is already accomplished.

Additionally, there is no motivation to combine McCarver, et al. and Ness. Ness is directed to a device for massaging and cleaning the teeth and gums made of a casting that is flexible and, at least, semi-elastic. Col. 3, ll. 36-39. In fact, Ness discloses that the device is a casting formed of partially resilient flexible material, such as rubber. Col. 1, ll. 48-50. As such, there is no motivation in either Ness or McCarver, et al. to combine the two references because there is no disclosure on how to combine the device of Ness including projections with the smooth surface disclosed in McCarver, et al. and that there is no disclosure of how that modification would be accomplished.

Furthermore, there exists no motivation to combine McCarver, et al. and Rescigno. Rescigno is directed to an apparatus with non-slip surfaces which are attached to a user's finger and thumb to manipulate or extend a tongue in order to perform an operation on the tongue or inside the mouth. See, Abstract. The apparatus contains many bristles for creating a non-slip surface to grip the tongue. Applicants submit that there is no motivation to modify the smooth surface of the stockinette disclosed in McCarver, et al. Thus, Applicants respectfully submit that the references cannot be properly combined.

In regards to claim 69 and independent claim 70, both of which include the limitation that the connecting portion of the cleaning device comprise dental floss,

Applicants respectfully submit that the claims are patentably distinct over the references.

For instance, claim 69 and 70 were rejected in view of the combination of Rescingo, McCarver, et al., and Bori, with Bori adding a disclosure of the connecting portion comprising dental floss. However, Applicants respectfully submit that there is no motivation to combine the references as asserted in the Office Action, and that such combination is in direct conflict with the teachings of the references.

In fact, Rescingo actually teaches away from the use of dental floss. Rescingo discloses that the interconnecting means has a larger width than thickness to allow for the freest movement in one plane only. Col. 4, ll. 24-30 and Col. 5, ll. 22-24. As such, the use of dental floss as the attachment means of Rescingo would be directly contrary to the teachings of the disclosure and would destroy the function of the apparatus.

Thus, Applicants submit that the combination of the references is improper and that claims 69 and 70 are patentable over the combination of Rescingo, McCarver, et al., and Bori.

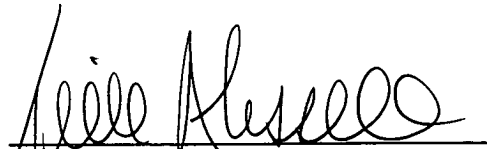
Additionally, Applicants submit that claims 69 and 70 are patentable over Ness, McCarver, et al., and Bori. Ness discloses a single casting formed of partially resilient flexible material such as rubber. There is no motivation within Ness, or any other reference, to modify Ness to be two castings connected by a connection portion comprising dental floss.

In this case, Applicant respectfully submits that, when properly viewed as a whole, there is simply no motivation to combine the references in the manner suggested in an attempt to render obvious the present claims. Thus, for at least the reasons set forth above, Applicant respectfully submits that independent claims 57 and 70 patentably define over the above-cited references, taken in any proper combination.

In conclusion, Applicants respectfully submit that the presently pending claims are patentably distinct over the cited references, and favorable reconsideration and allowance of all the claims are requested. Examiner Cole is invited and encouraged to contact the undersigned should any issues remain after consideration of the above remarks.

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Date

Respectfully submitted,



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